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FACSIMILE INFORMATION SHEET

TO: U. S Patent and Trademark Office
FROM: Daniel A. Monaco
DIRECT DIAL: 215-988-3312
DATE: 3/4/04 DOCUMENT NAME: Request for Permission to Withdraw as Attorney (37 CFR 10.40(c))
NUMBER OF PAGES: INCLUDING COVER 9
TELEPHONE NUMBER: FAX NUMBER: 1-703-872-9306

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DB&R FACSIMILE MACHINES

215-988-2757

Message:

Attached is a courtesy copy of a paper filed by mail on January 22, 2004.

Client/Matter No.:187547

☒ Original will not follow

Original will follow via: Regular Mail Overnight Delivery Hand Delivery Other:

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PIIP374295\1

PATENT
Attorney's Docket No. 44685-0001 CT1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of	:	
Howard B. Gamper, et al.	:	
	:	Group Art Unit: 1635
Serial No.: 10/615,555	:	
	:	Examiner:
Filed: July 7, 2003	:	Not Yet Assigned
	:	
For: BINARY HYBRID MUTATIONAL	:	
VECTORS	:	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Director, Group 1600

REQUEST FOR PERMISSION TO WITHDRAW AS ATTORNEY
(37 CFR 10.40(c))

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case in accordance with 37 CFR 1.36.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

☒ inventor(s)

☐ assignee of the entire interest

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)
I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
BY: <u><i>Robert D. Collins</i></u>
DATE: <u><i>January 22, 2004</i></u>

is: Howard B. Gamper
Biomedical Research Building 2, Room 713
421 Curie Boulevard
University of Pennsylvania
Philadelphia, PA 19104

Eric B. Kmiec
University of Delaware
Dept. of Biological Sciences
105 Wolf Hall
Newark, DE 19716

Richard J. Bartlett
Center for Scientific Review/NIH
6701 Rockledge Dr. (Rockledge II)
Room 4110
Bethesda, MD 20892-7814

BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 CFR 10.40(c) section(s) 1(vi).

Explanation (including brief description of exhibits, if any):

The Assignees of application Serial No. 09/874,720 filed June 5, 2001 (Thomas Jefferson University and The University of Miami), have relinquished rights in the invention and the '720 application to the inventors Howard B. Gamper, Eric B. Kmiec and Richard J. Bartlett. Kmiec and Bartlett retained the undersigned to proceed with the preparation and filing of a continuation application on behalf of all three inventors. Gamper declined to participate. The continuation was filed on July 7, 2003, as application Serial No. 10/615,555. The '720 application is abandoned.

Applicants Kmiec and Bartlett have failed to pay the undersigned's invoices which include preparation and filing of a three-month extension of time in the '720 application, and all charges with respect to the preparation and filing of the '555 application.

Enclosed is a copy of a letter dated December 19, 2003 to Kmiec and Bartlett announcing the undersigned's intention to withdraw from representation, absent complete payment of all outstanding obligations by January 15, 2004. Although the letter contained a typographical error ("June 15, 2005"), it is apparent from the context that the imposed payment deadline was January 15, 2004.

ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response is due (if any)

PHIP370901\1

- (i) ☒ there is no outstanding term for response
- (ii) ☐ there is an outstanding term for response that is set to expire on _____
The above term is extendible under 37 CFR 1.136(a) until _____

☐ are

☐ are not being submitted herewith

NOTE: "If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved." Notice of December 10, 1987, 1086 OG 457.

(complete the following, if applicable)

- (iii) ☐ Also submitted herewith is a response to the outstanding Official Action.

B. Time Left for Response

Therefore, the amount of time for response including extension under 37 CFR 1.136(a) is:

☐ at least _____

☒ cannot be calculated because this case is/will now be awaiting action by the PTO.

NOTIFICATION OF CLIENT

5. In accordance with 37 CFR 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of a letter to Applicants Gamper, Bartlett and Kmiec, forwarding a copy of this request is enclosed.

NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 CFR 10.40(a).

NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 CFR § 1.36 submit the request in triplicate (original and two copies ..." Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal is Requested

Withdrawal is (has) also been requested in the following related applications of the

(check all applicable items)

- ☐ inventor
☐ assignee
☐ common representative

SIGNATURE(S) OF WITHDRAWING ATTORNEY(S)


8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)

Arthur H. Seidel
Gregory J. Lavorgna
Daniel A. Monaco
Thomas J. Durling
John J. Marshall

Registration No. 15,979
Registration No. 30,469
Registration No. 30,480
Registration No. 31,349
Registration No. 29,671

Respectfully submitted,



DANIEL A. MONACO
Registration No. 30,480
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One Logan Square
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(215) 988-3312 - Phone
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Attorney for the Applicants

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December 19, 2003

Eric Kmiec, Ph.D.
Professor
Department of Biological Sciences
Delaware Biotechnology Institute
Delaware Technology Park
15 Innovation Way
Newark, DE 19711

Richard J. Bartlett, Ph.D.
Building 45, Rm 5AS.37B
Review Branch, NIAMS
Bethesda, MD 20892

RE: U.S. Patent Application No. 101/615,555
Filed: July 7, 2003
For: "**BINARY HYBRID MUTATIONAL VECTORS**"
Our File Nos.: 44685-0001 CT1 (44685-187547)

Dear Eric and Richard:

I am enclosing, for each of you, a statement of account reflecting balances due.

When we filed the application, we agreed to forego collection of our fees in advance, in view of a promise that our fees would be promptly paid. More than four months has passed without payment having been rendered.

Under the circumstances, it is appropriate for me to demand immediate payment in full.

Please be advised unless I receive complete payment from each of you by **January 15, 2005**, I will withdraw as your attorney in the above-identified patent application.

Established
1849

PHIP368229\1

DrinkerBiddle&Reath

Eric Kmiec, Ph.D. and Richard J. Bartlett, Ph.D.

December 19, 2003

Page 2

Please be advised that my withdrawal is without prejudice to any right to pursue collection of our outstanding charges.

Sincerely yours,

(Original)
(Signed) DANIELA MONACO
DANIEL A. MONACO

DAM/dmc
Enclosure

PHIP368329\1

DrinkerBiddle&Reath

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January 22, 2004

Eric Kmiec, Ph.D.
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Department of Biological Sciences
Delaware Biotechnology Institute
Delaware Technology Park
15 Innovation Way
Newark, DE 19711

Richard J. Bartlett, Ph.D.
Building 45, Rm 5AS.37B
Review Branch, NLAMS
6701 Rockledge Dr. (Rockledge II)
Room 4110
Bethesda, MD 20892-7814

Howard B. Gamper
Biomedical Research Building 2
Room 713
421 Curie Boulevard
University of Pennsylvania
Philadelphia, PA 19104

RE: U.S. Patent Application No. 101/615,555
Filed: July 7, 2003
For: **"BINARY HYBRID MUTATIONAL VECTORS"**
Our File Nos.: 44685-0001 CT1 (44685-187547)

Dear Eric, Richard and Howard:

Enclosed is a Request for Permission to Withdraw as Attorney which I have filed in the above-identified patent application.

My withdrawal from representation is without prejudice to our right to pursue collection of all outstanding invoices from Richard and Eric, the parties who retained us to file the above-identified patent application.

Sincerely yours,
(Original Signed) DANIEL A. MONACO

DANIEL A. MONACO

DAM/dmc
Enclosure

Established
1849

PHIL370902\1

**RECEIVED IN THE U.S. PATENT &
TRADEMARK OFFICE**

Attorney Docket No.: 44685-0001 CT1

Application No.: 10/615,555

Filing Date: July 7, 2003

In re: Howard B. Gamper, et al.

For: BINARY HYBRID MUTATIONAL VECTORS

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attention: Director, Group 1600

Sir: Please acknowledge receipt of the attached papers
by stamping on this card the date received, and return
it to the addressee.

Request for Permission to Withdraw as Attorney (4 pgs.);

Copy of December 19, 2003 letter (2 pgs.);

Copy of January 22, 2004 letter (1 pg.); and

Return Postcard.

(187547)

DRINKER BIDDLE & REATH LLP

Mailed: January 22, 2004